

House Study Bill 518

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VAN ENGELHOFEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county board of supervisor vacancies.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 5601HC 81
4 eg/sh/8

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1 1 Section 1. Section 331.214, Code 2005, is amended to read
1 2 as follows:
1 3 331.214 VACANCY OF SUPERVISOR'S OFFICE.
1 4 ~~1. In addition to the~~ The circumstances which constitute a
1 5 vacancy in office under section 69.2, ~~the absence of a~~
1 6 ~~supervisor from the county for sixty consecutive days shall be~~
1 7 ~~treated as a resignation of the office. At its next meeting~~
1 8 ~~after the sixty-day absence, the board, by resolution adopted~~
1 9 ~~and included in its minutes, shall declare the absent~~
1 10 ~~supervisor's seat vacant.~~
1 11 2. If a board determines after a hearing that a supervisor
1 12 is physically or mentally incapable of performing the duties
1 13 of office and there is reasonable cause to believe that the
1 14 supervisor will not be able to perform the duties of office
1 15 for the remainder of the supervisor's term, the board, by
1 16 resolution adopted and included in its minutes, shall declare
1 17 the supervisor's seat vacant. The board shall comply with the
1 18 notice and hearing requirements in section 69.2, subsection 2.
1 19 The board shall appoint two physicians to examine the
1 20 supervisor and receive the report of the physicians as
1 21 evidence at the hearing. The board may only declare the
1 22 supervisor's seat vacant if both physicians concur that the
1 23 supervisor is physically or mentally incapable of performing
1 24 the duties of office and there is reasonable cause to believe
1 25 that the supervisor will not be able to perform the duties of
1 26 office for the remainder of the supervisor's term. If the
1 27 supervisor refuses or is unavailable for such examination, the
1 28 board may proceed to declare the supervisor's seat vacant. A
1 29 supervisor whose seat has been declared vacant may appeal the
1 30 board's decision to the district court.

1 31 EXPLANATION
1 32 This bill addresses vacancies that may occur in the county
1 33 board of supervisors. The bill makes Code section 331.214
1 34 specific to a supervisor vacancy consistent with Code section
1 35 69.2 that applies to any vacancy in public office. The bill
2 1 requires that a county board of supervisors declare a
2 2 supervisor's seat vacant when the board determines that a
2 3 supervisor is physically or mentally incapable of performing
2 4 the duties of office. To declare a vacancy, the board must
2 5 follow notice and hearing procedures set forth in Code section
2 6 69.2, appoint two physicians to examine the supervisor, and if
2 7 the two physicians concur that the supervisor is incapable of
2 8 performing the duties of office and probably will be incapable
2 9 for the remainder of the supervisor's term, the board may
2 10 declare a vacancy. If a supervisor refuses or is unavailable
2 11 for examination, the board may proceed to declare the
2 12 supervisor's seat vacant. A supervisor may appeal a board's
2 13 decision to the district court.
2 14 LSB 5601HC 81
2 15 eg:rj/sh/8